IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 4148 OF 2004

BETWEEN

R.L.Sao S/o Late Shri Sonu Ram Sao, aged about 51 years, occupation male Health Worker ,posted at Sub Center Kirodimal Nagar,Primary Health Center,Loing Tehsil and District Raigarh .

PETITIONER

A N D

1. The State of Chhattisgarh,through the Secretary Health and Family Welfare Department, D.K.S. Building, Raipur (CG).
2. Director,Health Services, Chhattisgarh,Raipur.
3. Chief Medical and Health Officer, Raigarh .
4. Collector,Raigarh .
5. S.D.Gupta, Male Health Worker,Health Center, Bagudega(Lailung) Tehsil Lailunga District Raigarh (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

R.R.No. 4191 04
Presented by Shri Sanjay Shukla
dated 30-10-04

RECEIVED COPY
30.10.04
Clerk to A.G. Bilaspur

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4148/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

25-11-2004

Shri Awadh Tripathi, counsel for the petitioner.

Shri V.V.S. Murthy, Dy. Advocate General with Shri Akhil Agrawal, Panel Lawyer for the State.

Application for urgent hearing is allowed.

Heard.

Learned counsel for the petitioner submits that the matter relates to transfer of the petitioner. He further submits that the petitioner has been transferred from Primary Health Center, Loing, District Raigarh to Health Center, Bagudega (Lailung), District Raigarh vide order dated 18/19-10-2004 (Annexure-P/1). He also submits that the respondent No.5 S.D. Gupta, has been transferred from Health Center, Bagudega (Lailung), District Raigarh to Primary Health Center, Loing, District Raigarh. He also submits that only to accommodate the respondent No.5 in place of the petitioner, the petitioner has been transferred whereas the petitioner has never requested or applied for his transfer before the higher authorities of his department. He also submits that the petitioner is working as a Class-III employee. He also submits that for the present the petitioner may be given an opportunity of filing the detailed representation before the competent authority of the respondents, which shall be considered on its own merits in accordance with law.

Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4148/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within 15 days, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within two months from the date of receipt of the representation. Learned counsel for the petitioner submits that the petitioner has not been relieved and the respondent No.5 has not joined in place of the petitioner. He prays that the petitioner may be allowed to continue. It is directed that if the petitioner has not been relieved and the respondent No.5 has not joined in place of the petitioner, the petitioner may be allowed to continue till the representation is decided. It is made clear that if the petitioner has already been relieved or the respondent No.5 has already joined in place of the petitioner, this order will not entitle the petitioner to rejoin at the earlier place of posting. With the aforesaid observations, this petition stands disposed of. Consequently M.W.P.No.4519/2004 also stands disposed of. **Sd/-** **Acting Chief Justice**	
Gouri		

G.PRJ—FS/78 —9/200(—50,000.